

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MICHAEL P. LYNCH,  
CHIN-SHU LEE and GARY SLAVIN

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Appeal No. 1997-3141  
Application No. 08/327,347

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ON BRIEF

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Before KRASS, FLEMING and RUGGIERO, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-5, 10, 11, and 13-18, all of the claims pending in the present application. Claims 6-9 and 12 have been canceled.

The claimed invention relates to a manufacturing facility

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that includes a first line controller for a first assembly line for normally processing a first type of product and for storing relevant information for processing of the first type of product. Further included in the manufacturing facility is a second line controller for a second assembly line in which relevant information is stored for normally processing a second type of product. More particularly, Appellants indicate at page 2 of the specification that the first line controller, on identification of a product as a first product type, independently processes the first product utilizing the stored first product type information. If a second product type is detected, the first line controller automatically retrieves the stored second product type information from the second line controller and proceeds with the processing of the second product type. Appellants assert that, since each line controller stores only the processing information for a product type it normally processes, only a minimal amount of storage space is needed since a large unwieldy multiple product processing database is not required.

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Claim 1 is illustrative of the invention and reads as follows:

1. A method for processing products of first and second types, each different than the other, in a manufacturing facility comprising a first assembly line for normally processing the first type of product and for storing first processing information relevant to the processing of the first type of product, the manufacturing facility further comprising a second assembly line for normally processing the second type of product and for storing second processing information relevant to the processing of the second type of product, wherein the first and second assembly lines are controlled, respectively, by first and second line controllers, the method comprising the steps

of:

the first line controller receiving a first product and reading product identification information therefrom;

the first line controller determining whether the product identification information associated with the first product is indicative of the first type of product or of the second type of product without referencing any information other than that stored by the first line controller;

the first line controller utilizing the first processing information stored therein for independently processing, without reference to any information other than that stored by the first line controller, the first product in response to determining that the first product is of

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the first type;

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determining that  
second type, the  
from the second  
second

the first line controller automatically  
retrieving, in response to  
the first product is of the  
second processing information  
line controller in which the

processing information is stored; and

the first line controller utilizing the  
second processing information for  
processing the first product in response to  
determining that the first product is of the  
second type and subsequent to retrieving the  
second processing information.

The Examiner relies on the following prior art:

Imai et al. (Imai)	5,150,288	Sep.
		22, 1992

Claims 1-5, 10, 11, and 13-18 stand finally rejected  
under 35 U.S.C. § 103 as being unpatentable over Imai.

Rather than reiterate the arguments of Appellants and the  
Examiner, reference is made to the Briefs<sup>1</sup> and Answer for the  
respective details.

#### OPINION

We have carefully considered the subject matter on  
appeal, the rejection advanced by the Examiner, the arguments

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<sup>1</sup> The Appeal Brief was filed June 24, 1996. In response  
to the Examiner's Answer dated June 17, 1997, Appellants filed  
a Reply Brief on July 14, 1997 which was acknowledged and  
entered by the Examiner on October, 8, 1997.

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in support of the rejection and the evidence of obviousness  
relied upon by the Examiner as support for the rejection. We  
have, likewise,

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reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Briefs along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the obviousness of the invention set forth in claims 1-5, 10, 11, and 13-18. Accordingly, we reverse.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive

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at the claimed invention. Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

With respect to independent claims 1 and 10, the Examiner, as the basis for the obviousness rejection, proposes to modify the centralized assembly line control system



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disclosure of Imai. As recognized by the Examiner, Imai utilizes a host computer to transmit product information to the various assembly line controllers rather than providing communication capability between the line controllers enabling the sharing of product information between the various line controllers as set forth in the appealed claims. To address this deficiency, the Examiner asserts the obviousness to the skilled artisan of decentralizing the system of Imai by eliminating the host computer. The

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Examiner's line of reasoning is set forth at pages 4 and 5 of the Answer as follows:

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to eliminate the host computer altogether in Imai's system in favor of allowing the line controllers to share product information with one another because Imai already permits each assembly line to produce the same products and so sharing product information would just further stream-line the system's efficiency.

In response, Appellants' primary argument centers on their contention (Brief, page 12) that the Examiner has failed to establish a prima facie case of obviousness since Imai, the only applied prior art reference, lacks any suggestion of a decentralized system as asserted by the Examiner. After careful review of the Imai reference in light of the arguments of record, we are in agreement with Appellants' position as stated in the Briefs. While we do not dispute the Examiner's contention, bolstered by the citation of the two computer dictionaries at page 8 of the Answer, that decentralized processing is well known to one of ordinary skill in the art, such contention does not address the obviousness with respect to the specific limitations of the claims. As pointed out by Appellants (Reply Brief, page 4), the present appealed claims

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set forth a very specific interrelationship of the various line controllers. The Examiner has provided no indication as to how and where the skilled artisan might have found it obvious to modify the teachings of Imai to arrive at the particular assembly line controller interaction of the claimed invention. In our view, the Examiner's attempt to dismiss the specifics of the claim language by broadly characterizing the claimed system as a "decentralized" system falls well short of satisfying the Examiner's burden of establishing a prima facie case of obviousness. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

In re Fritch, 972 F. 2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992).

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In conclusion, it is our opinion that the Examiner's line of reasoning does not establish a prima facie case of motivation and, therefore, the Examiner's 35 U.S.C. § 103 rejection of claims 1-5, 10, 11, and 13-18 is not sustained. Accordingly, the decision of the Examiner to reject claims 1-5, 10, 11, and 13-18 is reversed.

REVERSED

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ERROL A. KRASS	)	)
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
JOSEPH F. RUGGIERO	)	
Administrative Patent Judge	)	

JFR:hh

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